

### **REMARKS/ARGUMENTS**

The Applicant originally submitted Claims 1-20 in the application. In the present response, the Applicant has not amended, canceled, or added any claims. Accordingly, Claims 1-20 are currently pending in the application.

#### **I. Formal Comments and Remarks**

The Examiner again relies on paragraphs 2 and 3 of the present application to reject Claims 1-20 and refers to these paragraphs as Applicant Admitted Prior Art (AAPA). (*See* Examiner's Action, page 2.) Contrary to the Examiner's assertion, the Applicant does not admit that the teachings of paragraphs 2 and 3 are prior art. Instead, as indicated in prior responses, the Applicant refers to the cited paragraphs as "what is taught in the background of the application (referred to as AAPA by the Examiner) ... ." (*See*, for example, responses filed on February 17, 2005, and November 14, 2005.) Thus, the Applicant will continue to use AAPA to avoid confusion with the Examiner's Action but more strongly indicates that the use of AAPA is not an admission that the background material of paragraphs 2-3 of the present application is prior art.

#### **II. Rejection of Claims 1-2, 4-9, 11-16, and 18-20 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-2, 4-9, 11-16, and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of U.S. Patent No. 5,872,481 to Sevic, *et al.*, and in further view to U.S. Patent No. 3,961,280 to Sampei. The Applicant respectfully disagrees since the cited combination does not provide a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met including the prior art when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination must be found in the prior art, and not based on Applicant's disclosure. The cited combination of AAPA, Sevic and Sampei does not teach or suggest all the claim limitations of the present invention. More specifically, the cited combination does not teach or suggest adaptively selecting a voltage level to apply across a driver stage of a line driver to provide a power level for sending a signal as a function of line characteristics of a transmission path as recited in independent Claims 1, 8, and 15.

The AAPA provides a general background of conventional line drivers. As the Examiner points out, the AAPA does not disclose a switching network configured to adaptively select a power level to send a signal down a transmission medium as a function of line characteristics of the transmission path. (See Examiner's Action dated August 9, 2006, page 2.) Sevic does not cure this deficiency of the AAPA. Instead, Sevic teaches selectively activating appropriate amplifier stages of an amplifier circuit that are necessary to provide a desired level of output power. (See Abstract, lines 6-10.) Sevic discloses a switch control circuit to control the connection of an input switch and an output switch to activate the appropriate amplifier stages. (See column 2, lines 49-53.) Thus, instead of adaptively selecting a voltage level to apply across a driver stage of a line driver to provide a power level, Sevic teaches selecting the appropriate amplifier stages to provide a desired power output.

Sampei also does not teach or suggest adaptively selecting a voltage level to apply across a driver stage of a line driver to provide a power level for sending a signal as a function of line characteristics of a transmission path. On the contrary, the Applicant does not even find where

Sampei is interested in a transmission path. Instead, Sampei teaches an amplifier circuit wherein the changing of power supply voltages is effected in accordance with the amplitude of an **input signal**. (See Abstract; column 1, lines 67-68, and column 2, lines 1-6. *Emphasis added.*) As such, Sampei does not teach or suggest determining the characteristics of the transmission path to adaptively select a voltage level to apply.

Thus, the cited combination does not teach or suggest each and every element of independent Claims 1, 8, and 15. As such, the cited combination of AAPA, Sevic, and Sampei does not provide a *prima facie* case of obviousness of independent Claims 1, 8, and 15 and Claims dependent thereon. The cited combination, therefore, does not render obvious Claims 1-2, 4-9, 11-16, and 18-20. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 1-2, 4-9, 11-6, and 18-20 and allow issuance thereof.

Regarding the combination of the references, even if the cited combination taught or suggested each claim limitation of the above Claims, obviousness can only be established by combining or modifying the teachings of prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." (See, MPEP §2143.01 referring to *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir 2000).)

Neither Sevic nor Sampei provide an explicit motivation to combine. Additionally, neither Sevic nor Sampei provide an implicit motivation to combine since the nature of the problem to be

solved as a whole is different for Sevic as compared to Sampei. Sevic addresses the problem of providing the appropriate power level to transmit data based on transmission characteristics while Sampei is directed to maximizing the efficiency of an amplifier. One skilled in the art would not look to Sevic to solve the problem of Sampei or look to Sampei to solve the problem addressed by Sevic. As such, there is no motivation to combine Sevic and Sampei.

Additionally, applying Sampei to Sevic would frustrate the teachings of Sevic. Sevic is directed to providing an appropriate transmission power level in a CDMA mobile phone. Too high of a power level generates interference, too little the quality of communication is unacceptable. (*See* column 1, lines 47-65.) Sevic uses multiple parallel-connected amplifier stages to provide the desired power output for transmission.

As noted above, Sampei is directed to providing an amplifier circuit which has a high degree of efficiency and hence the generation of heat by its active elements is reduced. (*See* column 1, lines 56-59.) Keeping the power supply voltage as close to the input voltage as possible through adaptively selecting multiple power supply voltages improves the efficiency of the amplifier. A greater number of power supplies yields a more efficient amplifier. (*See* Figures 2 and 4.)

Applying the multiple power supply voltages as taught by Sampei to the multiple amplifier stages of Sevic would frustrate the asserted invention of Sevic since the multiple amplifier stages are directed to be used in a cell phone that typically employs minimal power supply voltages. There is no technical motivation to modify Sevic with Sampei. To the contrary, there is disincentive to do so since multiple power supplies would have to be used, in addition to the additional circuitry, to apply the multiple power supplies to the multiple amplifier stages of Sevic. Since the proposed modification to Sevic would render it unsatisfactory for its intended purpose, then there is no

suggestion or motivation to make the proposed modification. (*See*, for example, MPEP §2143.01.)

### **III. Rejection of Claims 3, 10, and 17 under 35 U.S.C. §103**

The Examiner has rejected Claims 3, 10, and 17 under 35 U.S.C. §103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Sevic, in further view of Sampei, and in further view of U.S. Patent No. 3,755,693 to Lee. As discussed above, the cited combination of AAPA, Sevic, and Sampei does not provide a *prima facie* case of obviousness of independent Claims 1, 8, and 15. Lee has not been cited to cure the noted deficiencies of the combination of AAPA, Sevic, and Sampei regarding independent Claims 1, 8, and 15. Instead, Lee has been cited to teach the subject matter of dependent Claims 3, 10, and 17. As such, the combination of AAPA, Sevic, and Sampei, in further view of Lee, does not provide a *prima facie* case of obviousness of independent Claims 1, 8, and 15 or Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of Claims 3, 10, and 17 and allow issuance thereof.

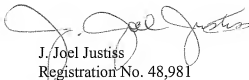
**IV. Conclusion**

In view of the foregoing remarks, the Applicant views all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-20.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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